



## SOUTH DAKOTA BOARD OF NURSING

## REGULAR MEETING

JANUARY 23-24, 2003

## CALL TO ORDER

The Regular Meeting of the South Dakota Board of Nursing was held Thursday, January 23 and Friday, January 24, 2003 at the South Dakota Board of Nursing, Sioux Falls, South Dakota. Vice President Cindy Senger called the meeting to order Thursday, January 23, 2003 at 8:35 a.m.

## ROLL CALL

Members Present:Members Absent:

Cindy Senger, RN  
 Nancy Wahlstrom, Public Member  
 Lois Tschetter, RN (excused Thursday a.m. session)  
 Linda Bunkers, RN (excused Thursday a.m. session)  
 Rita Wendt, RN (excused Thursday due to illness)  
 Robin York, RN  
 Patricia Foster, LPN  
 Muriel Larson, RN  
 Christine Pellett, LPN

Staff Present:

Gloria Damgaard, Executive Secretary  
 Linda Benedict, Nursing Practice Specialist  
 Carey Duffy, Nursing Practice Specialist (excused Friday)  
 Winora Robles, Senior Secretary  
 Terry Prendergast, Board Attorney

## VISITORS

## GUEST

## BUSINESS

Timothy Ripley, RN	Applicant for licensure
Carol Stuart, RN	USD Nursing
Carol Bergan, RN	Sisseton Wahpeton College
Adele Jacobson, RN	Si Tanka University at Huron
Janice Stephens, RN	Mount Marty College
Kristin Possehl, RN	Southeast Technical Institute
Janet Lord, RN	South Dakota State University
Margot Nelson, RN	Augustana College
Gloria Thompson, RN	Dakota Wesleyan University
Roberta Olson, RN	South Dakota State University

## WELCOME

Welcome and introductions: New Board Member Robin York, RN

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**MINUTES**

Tabled. The November 2002 Minutes are not yet ready for distribution. Gloria Damgaard suggests that the minutes, as soon as they are ready, be mailed to Board members; the Board has no objections.

**AGENDA****Additions and Changes:**

Carey Duffy: The 9:30 a.m. Formal Hearing for MI will not take place; there is one more lapsed license to add to the agenda; and a question about medication administration.

Linda Benedict: Add a scope of practice question and a Practice Issue.

Gloria Damgaard: Add SDSU Refresher Course Annual Report.

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**CLOSED SESSION** MOTION to go into Closed Session by Patricia Foster, seconded, passed.

MARY INLOW, RN

Carey Duffy, Nursing Practice Specialist, shared with the Board that Mary Inlow, RN, was served with a complaint filed by her employer alleging improper disposal and diversion of controlled substances. Mary maintains that her issues are mental and medical, not chemical dependency. Carey Duffy requests approval of Mary Inlow's voluntary surrender of license, providing it is returned within ten days.

**MOTION**

Patricia Foster moved that the South Dakota Board of Nursing approve the signed Voluntary Surrender, contingent upon being received within ten days of notification for Mary Inlow.

Motion seconded by Muriel Larson. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0 ABSTAIN: 0

Motion carried.

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**OPEN SESSION**JUSTIN FISHER, RN

Cindy Senger, Vice President, stated that this is the time and place set for the Formal Hearing in the matter of the South Dakota Board of Nursing and Justin Fisher, RN. The hearing is being conducted at the South Dakota Board of Nursing Conference Room, Thursday, January 23, 2003, 9:00 a.m. Justin Fisher was given notice and an opportunity to be present, either in person or by telephone. Justin Fisher was not present, and the South Dakota Board of Nursing was represented by Terry Prendergast, Board Attorney.

Carey Duffy, Nursing Practice Specialist, was duly sworn in.

Terry Prendergast, Board Attorney, presented five Exhibits to the Board:

Exhibit 1: Formal Complaint

Exhibit 2: Copy of Notice of Formal Hearing

Exhibit 3: Notification by South Dakota Health Professionals Assistance Program (HPAP) to Justin Fisher of noncompliance with directives of the monitoring program.

Exhibit 4: Copy of the letter of Notice from Carey Duffy, RN, BA, Nursing Practice Specialist, to Justin Fisher via certified mail directing Justin Fisher to contact Mr. Mike Coley of the HPAP Program within ten days of receipt of the letter.

Exhibit 5: U.S. Postal Service signed evidence of delivery of certified mail from South Dakota Board of Nursing to Justin Fisher, dated December 2002.

Exhibits 1-5 were confirmed by Carey Duffy.

Exhibits 1-5 were reviewed without objection and admitted by the Board.

Carey Duffy, Nursing Practice Specialist, confirmed that notice of today's hearing was sent to Justin Fisher by certified mail to his last known address and Mr. Fisher signed the for certified mail receipt, but is not present today.

Terry Prendergast, Board Attorney reviewed with the Board that Justin Fisher was notified of this hearing, as well as the Formal Complaint, and that Justin Fisher was referred to the HPAP Program by his employer, Sioux Valley Hospital, but has failed to comply with the HPAP Program as directed.

Carey Duffy shared with the Board that tests conducted in 2002 by Sioux Valley Hospital, employer of Justin Fisher, resulted positive for methamphetamine. Mr. Fisher has been dismissed from Sioux Valley Hospital; both Mike Coley of HPAP and Carey Duffy have tried to contact Mr. Fisher, but Mr. Fisher does not respond. Carey Duffy believes that Mr. Fisher is not practicing nursing at this time.

Call for other evidence; there is none; evidence closed.

#### MOTION

Patricia Foster moved that the South Dakota Board of Nursing indefinitely suspend the RN license of Justin Fisher.

Motion seconded by Nancy Wahlstrom. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0
			ABSTAIN: 0

Motion carried.

#### SHEILA DAVIS, RN

Cindy Senger, Vice President, stated that this is the time and place set for the Formal Hearing in the matter of the South Dakota Board of Nursing and Sheila Davis, RN. The hearing is being conducted at the South Dakota Board of Nursing Conference Room, Thursday, January 23, 2003, 10:30 a.m. Sheila Davis was given notice and an opportunity to be present, either in person or by telephone. Sheila Davis was not present, and the South Dakota Board of Nursing was represented by Terry Prendergast, Board Attorney.

Carey Duffy, Nursing Practice Specialist, was duly sworn in.

Terry Prendergast, Board Attorney, presented three Exhibits to the Board:

Exhibit 1: Formal Complaint

Exhibit 2: Copy of Notice of Formal Hearing

Exhibit 3: Copy of Sheila Davis-Drug Diversion Investigation, prepared by Nancy Votroubek, Risk Manager, Lookout Memorial Hospital, Spearfish, SD

Exhibits 1-3 confirmed by Carey Duffy.

Exhibits 1-3 reviewed without objection and admitted by the Board.

Carey Duffy, Nursing Practice Specialist, shared with the Board that Sheila Davis, RN, was employed as a traveling nurse, assigned at Lookout Memorial Hospital. The hospital investigated a complaint of diversion of Demerol by Sheila Davis, and she was dismissed.

Terry Prendergast, Board Attorney, shared with the Board that drug diversion had been charged against Sheila Davis at a prison where she had been employed in the past.

Call for other evidence; there is none; evidence closed.

Based on the findings and conclusions, Terry Prendergast requests indefinite suspension of licensure.

Carey Duffy shared with the Board that notice of the action taken by the Board will be sent to proper authorities in Alabama.

#### MOTION

Muriel Larson moved that the South Dakota Board of Nursing, based on Findings and Conclusions set forth in the Complaint, Suspend Indefinitely the RN license of Sheila Davis.

Motion seconded by Patricia Foster. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0
			ABSTAIN: 0

Motion carried.

#### TIMOTHY RIPLEY, RN

Mr. Ripley has submitted a request for Licensure by Endorsement.

Carey Duffy, Nursing Practice Specialist, presented copies of the Complaint and of the Stipulation and Order, both documents from the State of Florida Department of Health, in the matter of Mr. Ripley. Carey Duffy shared that there had been an issue in Florida regarding a violation of nursing ethics by Mr. Ripley which has since been resolved.

Timothy Ripley presented a letter from his own attorney, along with a Case Termination Summary from Genesis III of Lee County, Fort Myers, Florida; copies of these documents were distributed to the Board members. Mr. Ripley agreed that he had made a mistake in Florida; he was dismissed from his employment there, and sought counseling. Mr. Ripley reviewed how he has dealt with and continues to deal with issues that have led him to make mistakes. Mr. Ripley states that he has been a nurse since 1985, was a paramedic prior to that, and has applied for work at Rapid City Regional Hospital.

Carey Duffy, Nursing Practice Specialist shared with the Board that Timothy Ripley had self-reported his wrongdoing in Florida. The Florida Department of Health Board of Nursing



issued a two-year probation. Mr. Ripley must submit regular reports to Florida; Carey Duffy recommends that the South Dakota Board of Nursing issue for Mr. Ripley a Probationary RN license, and require regular reports similar to those that he is required to submit in Florida.

**MOTION**

Patricia Foster moves that the South Dakota Board of Nursing issue a RN License to Timothy Ripley incorporating a Probationary Status of two years with an Early Request for Closure after eighteen months, showing good cause. Probationary Reports shall be similar to those required by the Florida Board of Nursing.

Motion seconded by Nancy Wahlstrom. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0 ABSTAIN: 0

Motion carried.

**KERRI FENDER, RN**

Carey Duffy, Nursing Practice Specialist, reviewed for the Board the matter of Kerri Fender, and presented a Voluntary Surrender Consent Order, signed by Ms. Fender.

**MOTION**

Muriel Larson moved that the South Dakota Board of Nursing accept the Voluntary Surrender of the RN License of Kerri Fender.

Motion seconded by Nancy Wahlstrom. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0 ABSTAIN: 0

Motion carried.

**CARLA HATTMAN, RN**

Carey Duffy, Nursing Practice Specialist, reviewed the matter of Carla Hattman, RN, and updated the Board on developments since the November 20, 2002 Informal Meeting of this Board and Carla Hattman.

**MOTION**

Patricia Foster moved that the South Dakota Board of Nursing dismiss the complaint against Carla Hattman, RN.

Motion seconded by Muriel Larson. Roll Call Vote taken as follows:

Linda Bunkers		Lois Tschetter	
Patricia Foster	Yes	Nancy Wahlstrom	Yes
Muriel Larson	Yes	Rita Wendt	
Christine Pellet	Yes	Robin York	Yes
Cindy Senger	Yes	YES: 6	NO: 0 ABSTAIN: 0

Motion carried.